

March 26, 2008

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RE: Comments on ESF 2009 AOP

To Whom It May Concern,

Please consider these comments on the Elliott State Forest 2009 Annual Operation Plans (AOP) from Umpqua Watersheds, Center for Biological Diversity, Oregon Wild, Cascadia Wildlands Project, Oregon Chapter Sierra Club, Audubon Society of Portland, Klamath Siskiyou Wildlands Center, and Coast Range Association. Our contact information is on the last page.

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1. Spotted Owl

In light of the invasion of the barred owl, ODF and USFWS must reconsider the 1995 spotted owl Habitat Conservation Plan (HCP). The spotted owl HCP for the Elliott relies on long-rotation watershed basins¹, and Habitat Conservation Areas (HCA), to protect 13 pairs of owls for 60 years. It is because of this conservation strategy that the ODF claims to have the authority to clearcut almost 700 acres of mature forests proposed in the 2009 AOPs. However, all mature forests on the Elliott, including forests in HCAs and long-rotation basins, could no longer provide habitat for the northern spotted owl, as assumed by the HCP. In 2003, the ODF documented that barred owls were beginning to displace spotted owls. Five years later the situation is undoubtedly worse. The Biological Opinion for the HCP requires consultation to be reinitiated in a case like this.

This is new information that must be considered, as required by the spotted owl Habitat Conservation Plan and Incidental Take Permit, before any more mature forests are clearcut under the authority of that plan and permit.

The NSO Conservation Plan states: “Management basins with rotation lengths of 160, 200, and 240 years will emphasize the... [c]reation of late successional forest conditions recognized as important for spotted owl NRF habitat.”² This is no longer true because barred owls have moved into that habitat, so it is no longer available to spotted owls.

The HCP says: “Northern spotted owl reserves would be established that would include 9 owl pair sites. Reserve boundaries would be ...expanded to reflect new information on owls and forest stands.”³ Again, this is no longer true. Spotted owl nesting sites that were set aside as conservation areas have been overtaken by barred owls.

The intrusion of the barred owl was discovered in the 2003 owl survey -- five years ago, so the situation is likely even worse today. Since the 1995 HCP never considered the impacts of barred owls, this new information must be considered before any more spotted owl nesting habitat is clearcut.

Five years ago, barred owls had taken over at least two Habitat Conservation Areas on the Elliott, as documented in the 2003 NSO survey:

- **Upper Mill Creek site:** “No spotted owls were found at this site for the rest of the season, and a male barred owl occupied this site after that.”⁴ The 2003 survey says the Upper Mill Creek pair is the Tom Fool Pair.⁵ The ODF decided that the Upper Mill

¹ The preferred (and chosen) alternative “would provide T&E reserves through HCAs and long rotation basins”. 1995 HCP page III-14. “Nine long rotation basins (basins 1, 2, 3, 4, 5, 6, 7, 8, 17) will be managed to provide habitat levels for [northern spotted] owls at 50% or more...” (IV-14)

² 1995 NSO HCP page IV-30

³ 1995 OWL HCP page 16

⁴ 2003 NSO survey. Page 24.

⁵ Draft 2005 HCP page F-18 and 2003 Survey Report page 24: “About the same time this spotted owl pair disappeared, the very nearby Tom Fool pair was detected. At the AC meeting, it was decided that the Upper Mill Creek pair moved to the Tom Fool site after being displaced by the barred owl.... (see Tom Fool site for more information).”

Creek pair moved to the Tom Fool site “after being displaced by the barred owl”. So not only is the Tom Fool pair lost, the Mill Creek site is also lost to barred owls.

- **Roberts Creek site:** The ODF determined that “An aggressive male barred owl occupied the historic Roberts Creek AC.”⁶

At least 8 historic Spotted Owl sites on the Elliott are threatened with Barred Owls: “Barred owls (*Strix varia*) were detected at eight spotted owl sites...”⁷ These eight sites, **Alder, Benson, Bickford, Johnson, Murphy, Roberts, Tom Fool, and Upper Mill Creek**, totaling about 1,801⁸ acres of Conservation Areas that could be protecting barred owls instead of spotted owls. This is 26% of the 6,837 HCAs set aside to protect the northern spotted owls. After five years, the situation is likely worse.

The ODF should at least do another owl survey to see how much worse. In fact, the ODF is required by the HCP to do timely monitoring and surveys. “It will be necessary to monitor owl populations, habitat development, and levels of timber production over time.”⁹ The ODF is in violation of their Incidental Take Permit by failing to monitor the barred owl situation that ODF knows is growing and threatening the current and proposed new conservation areas.

When protecting endangered species, the Elliott HCP and ITP is full of requirements to consider new information:

- * “If new information determines that current efforts are inadequate, then modifications to the plan can be effectively implemented as soon as the information becomes available.”¹⁰
- * “An adaptive management approach will be used, adjusting prescriptions and strategies in response to new information.”¹¹
- * “The Department is committed to an ongoing monitoring and research program, with adaptive management used to incorporate new information as it becomes available.”¹²

The ODF has to live up to its promises and commitments. A new survey must be done before the 2009 timber sale program is implemented. The last population survey in 2003 demonstrated that the spotted owl population was doing poorly – no spotted owls were nesting and barred owls were moving into their nesting sites. Waiting 5 years, while cutting NSO nesting habitat as fast as possible, is not upholding either the spirit or letter of the HCP monitoring and adaptive management requirements.

To mitigate for the barred owl, ODF must consider providing larger habitat reserves in order to fulfill the assumptions of the spotted owl HCP. If ODF assumes all suitable

⁶ 2003 NSO survey. Page 21.

⁷ 2003 NSO survey. Page 6.

⁸ Includes acres given in Table 6-1 on page 6-6 of the 2005 HCP: Alder’s 475 acres, Benson’s 145 acres, Johnson’s 215 acres, Roberts’s 783 acres, Tom Fool’s 62 acres, and Upper Mill Creek’s 121 acres.

⁹ 2005 HCP page IV-42

¹⁰ 2005 HCP page IV-37

¹¹ 2005 HCP page IV-42

¹² 2005 HCP page J-8

habitat in the long-rotation basins and HCAs are actually available for spotted owls, then the goal of protecting existing spotted owls, and protecting 13 pairs spotted owls over the long term¹³, will not be met because the barred owl will be occupying some of the habitat intended for spotted owls. If the ODF doesn't live up to the HCP's requirement to monitor the situation and adjust to the new information, spotted owls on the Elliott could become extirpated.

A poor spotted owl population on the Elliott means the Elliott's assumed contribution to conservation at the regional level is not met. Private lands and BLM LSRs that have previously been clearcut, surround the Elliott. The HCP documents that the Elliott is critical for spotted owls in this region:

* "Regrowth of forests in Coast Range LSRs... will not begin to occur for several decades. In the meantime, contributions to the provincial owl population by the Elliott will be very beneficial."

* "It is especially important to maintain dispersal linkages, such as the Elliott, between LSRs and potential source populations."

* "The Elliott State Forest will provide a transition over time between these areas, by maintaining some quality habitat for nesting and survival, and by providing habitat that allows spotted owls and marbled murrelets to move from lesser quality habitat on private lands to higher quality habitat on federal lands."¹⁴

None of this can happen if the spotted owls are extirpated from the Elliott because of barred owls moving spotted owls into unprotected areas that the ODF clearcuts.

2. Marbled Murrelets

The 2009 AOP Summary documents on page 17 that 12 of the timber sales have had one year of murrelet surveys, and one sale has surveys completed. Could we please the survey information? We are particular interested in the time and location of the first year and completed murrelet surveys for 09 proposed and alternative timber sales.

There appear to be problems with compliance with Marbled Murrelet protection requirements in the Panther Bowl and the near-by Panther Headwaters sale¹⁵.

The Panther Headwaters 2008 AOP said that some of this sale needed to have murrelet surveys done in 2008.¹⁶ But Panther Headwaters was offered for sale in February 2008, too soon for the 2008 Murrelet surveys to have been completed. When we asked why the murrelet surveys were not done, we received a reply that "The language referring to the 2008 survey is not correct, it refers to the 2009 Panther Bowl Sale which will receive surveys in 2008."¹⁷

¹³ 2005 HCP ITP page IV-14.

¹⁴ 2005 HCP page IV-3.

¹⁵ This is the same Panther Headwaters sale with the old-growth problems described in section 4.

¹⁶ Panther Headwaters 2008 AOP, page 6. "The sale... will receive second year surveys in 2007 with a portion receiving surveys again in 2008".

¹⁷ Email from Norma Kline, March 18, 2008.

If there was an error in the 2008 AOP concerning needed murrelet surveys, this error should have been corrected as soon as it was discovered. There is a place to post modified AOPs on the district's web site, and this correction was not posted. An error on murrelet surveys is a serious error.

Murrelet survey information should be forthcoming, especially when a mistake in what surveys are needed is made. We have asked twice for the Panther Headwaters survey information to see for ourselves if the AOP is right or wrong, but it has yet to be forthcoming.

The 2007 Common School Fund (CSF) report¹⁸ has a different story about the murrelet surveys in Panther Headwaters and the nearby 2009 sale, Panther Bowl. The CSF report says that the murrelet surveys for Panther Headwaters were done in 2006, and murrelet occupancy was found.¹⁹ As a result, the 37 acre Panther Bench Marbled Murrelet Management Area (MMMA) was created. The 2008 Panther Headwaters AOP failed to mention this.

Instead, the Panther Bowl AOP claims Panther Bowl murrelet surveys resulted in creating the Panther Bench MMMA. It says Panther Bowl was surveyed during 2006 and "this survey resulted in an occupied site ... and the creation of the Panther Bench Marbled Murrelet Management Area."

The 2-year surveys required for murrelets should be accurately documented and transparent to the public. Yet the questions remain, does the Panther Headwaters need 2008 surveys, as the AOP claims? Was it the Panther Bowl, or Panther Headwaters surveys, that resulted in the Panther Bench MMMA? This matters because the Panther Bench MMMA has small trees for murrelets, while the Panther Headwaters sale has trees so big they should be considered potential old growth. Obviously, the trees in Panther Headwaters would be much better suited for murrelet habitat, yet they are being put on a log truck, while a tiny area is set aside for the murrelets.

The Panther Bench MMMA is too small at only 37 acres. It is an isolated forest, and will become even more isolated after the adjoining Panther Bench timber sale is clearcut. The ODF should explain how this size of reserve fits into the management protocols for murrelets, or how this size is based in science. The 37 acre circle has uneven edges so that the most acres possible are on the edge. ODF should explain how many acres of murrelet-safe interior habitat there is, if any.

Even the proposed new Elliott Forest Management Plan says: "Isolated fragments of conifer stands, set aside for threatened and endangered species, will be particularly susceptible to windthrow."²⁰ The ODF should give the Panther Bench murrelet more protection.

¹⁸ Common School Forest Lands Fiscal Year 2007 Annual Report. Prepared for the DSL by ODF.

¹⁹ Common School Forest Lands Fiscal Year 2007 Annual Report. Page 26.

²⁰ Elliott Forest Management Plan. 12-05. Page 2-41

3. Fragmentation

Out of the seven proposed 2009 sales, five (392 acres) fragment continuous stands of old forests, in violation of the 1995 Habitat Conservation Plan. The ODF's excuse is that they have run out of more appropriate forests to clearcut. Fragmentation is the only option left.

Fragmentation is particularly detrimental to murrelets near camping areas. Corvids, a predator of murrelets²¹, are attracted to camping areas. The Lower Deer timber sale adjoins three MMMAs, Joe Buck, Fish Knife and Millicoma Connect MMMAs. Lower Deer is also across the road from the Millicoma River camping areas in a Scenic Production area meant to attract visitors. More campers mean more corvids, which mean more predation on murrelets. Fragmenting these three MMMAs in a known high-corvid-use area is irresponsible, especially without documenting the effects of fragmentation in the AOP.

Another example of harming MMMAs near high-use corvid sites is the Millicoma Lookout timber sale, with the Joe Buck MMMA on the north-west boundary, and a recreation use area adjoining the south-west side of the sale. The South Kelly Ridge sale adjoins a "Forest Park and Scenic Attraction" area that attracts corvids. It also borders Fish Knife MMMA and HCA, and severely fragments the forests around that MMMA, allowing more corvid and other predation in this murrelet reserve.

The Marlow Bottom timber sale separates two MMMAs by cutting a large V right into the middle of mature forests. This increases the edge-acres significantly for both MMMAs, rendering many parts of them unsafe for murrelets. This is irresponsible, especially without documents the effects of fragmentation in the AOP.

The Elliott HCP requires the ODF to: "defer stands that meet the following criteria as long as suitable substitute areas are available. ... Stands closest to high quality marbled murrelet potential nesting habitat, northern spotted owl activity centers, and HCAs."²² The HCP forbids fragmenting mature forests. "Timber harvest will be planned to minimize fragmentation" (HCP IV-36). "Reduce fragmentation within the forest." (HCP IV-2) "Harvest units will be located to minimize fragmentation of larger blocks of mature forest. As an example, units will be located on the edge of fragmented blocks, rather than in the middle of suitable habitat." (HCP IV-41).

The Elliott Forest Management Plan warns:

"Other species may require extensive tracts of relatively uniform habitat, or have limited ability to travel or disperse between suitable patches. If patches of suitable habitat become too small and dispersed, then these populations may not remain sustainable. The Elliott State Forest's landscape is fragmented because of the

²¹ Steller Jays are one of the marbled murrelets main predators. <http://www.sei.org/murrelet.html>

²² Elliott HCP. IV-41

checkerboard pattern of past clearcut timber harvest areas across the forest.”²³
In spite of this, the 2009 sales fragment 5 out of 7 proposed clearcuts. Out of 518 acres proposed for clearcutting on the Elliott, 392 acres, or 76% are in sales that fragment mature forests, in spite of the requirement not to.

Illegally decimating mature forest habitat is a symptom of cutting more than the Forest Management Plan allows without a marbled murrelet HCP (see section 11 below).

Some examples in 2009 fragmentation include:

South Kelly Ridge proposed sale: “Fragmentation - The sale area is located on the edge of a mature block. It bisects contiguous forest cover north to south. The area was chosen because alternate choices in this basin were adjacent to Marbled Murrelet Management Areas, HCA’s, or had data indicating the potential presence of marbled murrelets.”²⁴

Millicoma Cougar proposed sale: “Fragmentation – The sale area bisects contiguous forest cover north to south. The area was chosen because alternate choices in this basin were adjacent to Marbled Murrelet Management Areas, HCA’s, or had data indicating the potential presence of marbled murrelets.”²⁵

Stulls Ridge proposed sale: “Fragmentation – This timber sale bisects contiguous timber that is adjacent to the timber sale on the northern and southern boundaries. This area was chosen because suitable substitutes were not available.”²⁶

Lower Deer proposed sale: “Fragmentation – This timber sale bisects contiguous timber that is adjacent to the timber sale on the southern, eastern and western boundary. This area was chosen because suitable substitutes were not available; alternative choices within this basin would violate FPA green-up or increase fragmentation of interior habitat.”²⁷

Elkhorn Ranch proposed sale: “Fragmentation – The sale area bisects contiguous forest cover north to south. The area was chosen because alternate choices in this basin were adjacent to Marbled Murrelet Management Areas, HCA’s, or had data indicating the potential presence of marbled murrelets.”²⁸

Big Salander proposed sale: “Fragmentation - This unit bisects mature habitat... This area was chosen because suitable substitutes were not available; alternative choices in this basin were either adjacent to Marbled Murrelet Management Areas, HCA’s, proposed T&E cores (for the proposed plan revision), had high quality marbled murrelet habitat, or data indicating the potential presence of marbled murrelets.”²⁹

²³ 1995 Elliott Forest Management Plan. Page III-23

²⁴ South Kelly Ridge AOP page 5

²⁵ Millicoma Cougar AOP page 5

²⁶ Stulls Ridge AOP page 5.

²⁷ Lower Deer AOP page 5.

²⁸ Elkhorn Ranch AOP page 5.

²⁹ Big Salander. AOP Page 5.

What is the point of having the HCP restrict fragmentation, if virtually none of the proposed sales follow it? There is such a huge loophole in the HCP that every timber sale can violate it.

Fragmentation is detrimental to the survival of endangered species because interior species at-risk are exposed to predators and other edge effects, such as windthrow. The HCP was meant to protect endangered species from edge effects. It is incredible that this basic principal of protection must be violated with virtually every 2009 timber sale. The HCP was meant to last 60 years. How could the ODF have run out of appropriate forests to log after just 14 years?

4. Old Growth retention:

The 2009 AOP promises to protect all remnant old growth (trees over 179 years old) in the logging units. However, that same promise, made in the 2008 AOP was not fulfilled.

The 2009, 08 and 07 AOPs say: “Reserving remnant old-growth trees, trees originating prior to the year 1830, is a district policy. Care is taken to walk through the units and mark the residual old-growth as green tree retention.”³⁰

This did not happen in the Panther Headwaters timber sale, sold March 19, 2008. A year earlier, in our 2008 comments, we told the ODF about large trees west of the 8800 road:

“There could be trees that fall under ODFs definition of old growth near the ridgetop near the north end of the sale. One tree was 64” dbh, and another 53” dbh. Both trees appear to have been established before 1830, falling into the district policy of “Reserving remnant old-growth trees, trees originating prior to the year 1830.” According to ODF policy, this area should be excluded from the timber sale proposal.³¹

You responded:

“The trees in Panther Headwaters No. 3 will be examined as in all other sale units to determine presence of residual old growth.”³²

A year later, when Panther Headwaters was advertised I asked: “What happened -- did you determine if they were old growth? If not, how old were they?”³³ The response from ODF indicated the trees we had pointed out were never considered or set aside. Instead, ODF responded that trees were set aside to provide the required green retention trees, on the east side of road 8800.³⁴

³⁰ 2009 AOP summary. Page 8.

³¹ our 2008 AOP comments last year, page 11-12, we said:

³² ODF Response to 2008 AOP comments.

³³ Email to Jim Young and Norma Kline on 3-10-08, in response to the sale advertisement.

³⁴ Email from Norma Kline, Elliott State Forest Timber Management Unit Forester. March 18, 2008

The ODF declined to provide any report on the age they determined the trees to be that we identified west of the 8800 road. We looked at the trees again after the sale advertisement, when all the reserves trees were marked, and these potential old growth trees were not marked for retention.

This year, we are concerned about more units with potential old growth. Even though the AOP summary promises to not cut old growth, there is no accountability or reporting on how this happens.

In particular, the Stulls Ridge and Millicoma Cougar timber sale have several groves of trees older than 180 years, and should be protected as old growth. In Millicoma Cougar, we found a 65" DBH Douglas fir tree³⁵, surrounded by western hemlocks that are also over 180 years old. We found groves of trees in South Kelly Ridge and another in Deer Headwaters that could be old growth. If the ODF is going to promise to protect these older trees, the ODF should be transparent about the process. If a tree is tested for old growth, but rejected, the ODF should reveal the methods used and the age the trees were estimated to be. The ODF should be forthcoming about the process for determining the age and which trees were tested.

The Forest Management Plan says:

“The amount of retained old growth forest is an important element in achieving biodiversity goals because of its relative rarity and because of its unique ecological role within the overall forest sere. Patch size, distribution, and linkages between old growth are often as important as the total quantity of old growth. Loss of internal habitat through fragmentation reduces old growth function well beyond the amount of actual old growth habitat loss, because the adjacent open areas influence the unique conditions present within old growth.”³⁶

We request that the ODF fully embrace their promise to protect scattered old growth on the Elliott, and be transparent in the process used to achieve that goal.

5. Scenic Conservancy Lands

Millicoma Cougar borders a Forest Park (Scenic Conservancy Lands). South Kelly Ridge is across the road from a “Forest Park and Scenic Attraction”. Millicoma Lookout is in a Scenic Production area and borders a “Recreation Use” area. Elkhorn Ranch sale is in a Scenic Production area, borders a Scenic Conservancy area and is immediately across the river from the highest recreation use area on the Elliott, the Elkhorn Ranch campground. These are four sales that line the West Fork Millicoma River and are across the road from, or right next to, “Forest Park” areas and campgrounds.

This is an intense impact on conservancy lands in just one year. The HCP says:

³⁵ This tree was west of 7610 and just south of the new road planned into the center of the unit. GPS coordinates are available on request.

³⁶ 1995 Elliott Forest Management Plan page III-28

“Scenic conservancy lands — In these areas, scenic values pre-empt all timber production. Timber harvesting may be allowed in certain cases, such as salvaging windthrown or diseased trees, as long as scenic values are protected. Scenic conservancy lands are classified as park buffer, highway corridor, river corridor, lake shore, and scenic attraction. The Elliott has park buffer lands and river corridor lakeshore lands.”³⁷

The ODF failed to take the cumulative recreational impacts of all these sales into consideration. For instance, the “Forest Park” that adjoins the Millicoma Cougar sale depends on the beautiful sale area, as the camping area itself is open with virtually no trees. Clearcutting next to this Forest Park will ruin it. It was put here because of the beautiful area containing the largest trees on the Elliott. Clearcutting those large trees will severely degrade this Forest Park Scenic Conservancy Lands, in violation of the HCP.

6. Roosevelt Elk

The Elliott has the very best Roosevelt Elk (*Cervus canadensis roosevelti*) hunting on public forests in Oregon. Often, hunters use these Forest Parks for the Elk hunting camps on the Elliott. Clearcutting around the Forest Parks will not only degrade the human environment, it will also degrade the Elk population. The Elk depend on these forests for hiding cover, especially during hunting season when the Forest Parks are full of hunters. Once the hiding cover near campgrounds is removed, the Elk numbers and size will be reduced. The ODF must not sacrifice the best recreation opportunity and the Elk on the Elliott.

Millicoma Cougar sale, with the adjoining campground, is an example. The old, overgrown road into the sale area has heavy Elk sign. This is an area Elk use for all their life needs, calving, foraging, resting, and hiding. Lower in the unit there is prolific salmonberry. Higher is huckleberry. Clearcutting this habitat, next to the campground, will have significant negative impacts on the Elk. This violates the HCP goal 3: “Maintain healthy fish and wildlife populations to allow recreational and commercial opportunities, including fishing, hunting and wildlife viewing.”³⁸

The 2006 FMP says that hunting has “significant local and regional economic benefits.”³⁹ These economic impacts will be impacted by clearcutting important Elk habitat, especially without considering the impacts in the AOPs.

There is no doubt forests like the Millicoma Cougar sale, are important to Elk.

“Based on 3,710 relocations, 6 radio-collared female Roosevelt elk (*Cervus elaphus roosevelti*) preferred old-growth forest and hardwood stands in managed forestland of the Oregon Coast Range in 1978-79. Mixed forest and sapling-pole stands were used less ($P < 0.05$) than expected. Elk preferred southern aspects yearlong and did not venture far from forest/clear-cut edges. Elk spent more time in cover and

³⁷ 1995 HCP 1-12.

³⁸ 1995 HCP III-2

³⁹ 2006 FMP page ES 20.

used lower elevation areas closer to water during calving season than the rest of the year. Elk appeared unaffected by inclement weather during the mild winter of the study and sought cover during warmer periods of the day during all seasons. Cover use increased during the hunting season. Elk typically foraged in brushy clear-cuts during early and late daylight hours and spent the midday bedded or loafing in old-growth stands. Integration of management for Roosevelt elk and other forest resources is recommended.”⁴⁰

When clearcutting the very best Elk cover habitat (Millicoma Cougar and others) on the Elliott, right next to hunting campgrounds, the ODF failed to consider the Oregon Department of Fish and Wildlife recommendations for Elk:

“Roles of Cover in Elk Management

Cover is an important component of elk habitat and provides both thermal and hiding properties. During summer it provides cooler, shaded areas for elk to bed during the heat of the day. During winter it provides a warmer, protected environment out of the cold, wind, rain, or snow. Lichens and other plants associated with cover can be an important source of forage for wintering animals. Adequate thermal cover reduces the energy needed by elk and contributes to over-winter survival.

Hiding cover is also referred to as security cover and allows elk to escape and hide from intrusions or disturbances. These intrusions can be human (hunters, vehicles, hikers, etc.) or natural (predators). Factors affecting elk security are topographic relief, vegetation density, and **proximity to human activity**. [Like next to hunting campgrounds] ... Inadequate security or hiding cover ... can lead to abandonment of traditionally used areas.”⁴¹

The ODF must reconsider all the proposed 2009 timber sales in this important habitat for Roosevelt Elk.

7. Recreation and Trash

The 2009 AOP is particularly hard on scenic values and recreation in the Elliott. Elsewhere in these comments we have documented the clearcutting next to Elk hunting camps, clearcutting the beautiful forests lining the Millicoma River, and degrading the views of a number of “Forest Park” and designated recreation areas. Five of the 2009 timber sales are in scenic areas that will be clearcut. 2009, more than any other year, neglects the recreational enjoyment of Oregon citizens in the Elliott.

⁴⁰ Habitat Use by Female Roosevelt Elk in the Oregon Coast Range. G. W. Witmer, D. S. deCalesta. *The Journal of Wildlife Management*, Vol. 47, No. 4 (Oct., 1983), pp. 933-939 doi:10.2307/3808152 [http://links.jstor.org/sici?sici=0022-541X\(198310\)47%3A4%3C933%3AHUBFRE%3E2.0.CO%3B2-E](http://links.jstor.org/sici?sici=0022-541X(198310)47%3A4%3C933%3AHUBFRE%3E2.0.CO%3B2-E)

⁴¹ Oregon’s Elk Management Plan. 2-2003. ODFW. <http://soda.sou.edu/awdata/050113b1.pdf>

In every AOP summary since the FMP was implemented, the ODF states they will spend \$5,000 on recreation facilities, including the 2009 AOP. The money is spent on “Day Use Areas”⁴². Between 1993 and 2009, about \$80,000 was spent on Day Use Areas.

Unfortunately, the AOP Summary does not describe how this money is spent. We asked the district last year, and ODF responded that most of the money was spent developing the horsecamp at Elkhorn Ranch⁴³. We stopped by the Elkhorn Ranch camp this year. We did not find \$80,000 worth of developments. There was not one picnic table, not one fire grill, not even an outhouse. We did find profuse trash and ATV play damage. We also found one bench. (see attached pictures). It didn’t look like an \$80,000 bench.

Could the district please describe how the \$80,000 was used. These are public funds, and the public has a right to see the accounting of how Elkhorn Ranch has been developed. Last year you responded: “We’ll begin including a very brief narrative of planned recreation work.”⁴⁴ We didn’t see that this year. There was a vague mention of Elkhorn Ranch. There was also a mention of agencies cooperating on building trails, but no specific trail work was mentioned. In the Recreation Management Summary there was a foot note on Day Use Areas that said “Road Maintenance of undeveloped camping spots primarily along the W.Fork and Elk Crk”. Is there a clearer accounting of the money then this cryptic footnote?

Last year we told you the camping spots near the Elkhorn Ranch and along the Millicoma River north of road 2300, were dump sites with smashed TV sets, old mattresses, beer cans and broken glass. We sent you pictures. This year we visited the recreation sites again, and it is even worse. None of the mess we told you about last year has been cleaned up. The TV sets are still there, and more. We also found rusty radiator heaters and smashed computers in recreation sites.

This year you MUST report where the \$80,000 of recreation funds have been spent since 1993, and wherever that is, why it is a priority over trash pick-up. If nothing else, the really horrible trash should be picked up because it could contain hazardous materials that endanger aquatic species, such as lead and other heavy metals in computer parts and TV sets. If the ODF cannot pick up trash with the annual \$5,000, this issue should be raised with the DSL board.

Because there is no recreation plan or accountability for the \$80,000 already spent on recreation on the Elliott, resource damage is occurring, and recreation opportunities are severely degraded. Instead, the AOP’s should include a real plan for that year’s recreation budget, including waste control and stream bank protections.

⁴² 2009 AOP Summary page 25, Recreation Management Summary table.

⁴³ Response to 2008 comments. Page 26.

⁴⁴ Response to 2008 comments. Page 26

8. Tyee Purdyfoll sale:

This sale is not within the Elliott State Forest and not covered by either the existing FMP or HCP. The 2009 AOP proposes to manage it consistent with a 2006 draft FMP and a 2005 draft implementation plan that has not yet been approved or finalized. ODF cannot do that. We submitted comments on those plans, and have yet to receive adequate responses. The 2005 FMP draft received some critical peer reviews. There has yet to be a peer review of the latest 2006 draft of the FMP. You cannot start to implement those plans in light of the many problems that we, and others, have raised. There has been no response to, or attempt to fix those problems. You must manage scattered tracts according to whatever current plan covers them. What plan is that? If there is no plan covering these tracks, the ODF must wait to manage them until there is a plan.

The ODF web site listing Implementation Plans has two sections, “Approved Implementation Plans” and “Draft Implementation Plans”⁴⁵. The Elliott Implementation Plan is NOT in the “approved” section – it is in the draft section. Thus, the ODF cannot base any logging on this plan.

Without a *real* plan for this southern Oregon, non-Elliott forest, the ODF could harm the environment in ways not considered. For instance, the current FMP says: “The Port-Orford-cedar root disease, caused by *Phytophthora lateralis*, threatens Port-Orford-cedar and, to some extent, Pacific yew. Port-Orford-cedar occurs in some of the scattered tracts south of the Elliott’s main block...”⁴⁶ Does Tyee Purdyfoll have Port Orford Cedar, and if so, how will it, or near-by POC, be protected from root disease?

Protective Conservancy lands:

The Tyee Purdyfoll AOP says: “Area 4 contains 10 acres classified as a protective conservancy damageable. The mapped location of the protective conservancy damageable will be verified on the ground during sale preparation, so that areas suitable for clearcut harvest are not excluded unnecessarily.”⁴⁷

The current 1995 Forest Plan says: “Protective conservancy lands — In these areas, resource protection pre-empts all timber production. The land would be irreversibly damaged by harvesting timber with current technology. These areas are classified as damageable lands, special game habitat, and special fish habitat.”⁴⁸

Area 4 of Tyee Purdyfoll is immediately across the Umpqua River from the James Wood County boat launch and park. Clearcutting area 4 will degrade the scenic values of this park. The new road proposed for Area 4 goes right to the tip of the Protective Conservancy Land. The ODF has a bad track record with new roads and landslides. This road is too dangerous, right next to land that “would be irreversibly damaged by harvesting timber”. Area 4 should be dropped.

⁴⁵ http://egov.oregon.gov/ODF/STATE_FORESTS/District_Implementation_Plans.shtml

⁴⁶ 1995 FMP. III-49

⁴⁷ Tyee Purdyfoll AOP page 8.

⁴⁸ 1995 HCP 1-12.

9. Streams and landslides

The 2009 AOP plan summary describes several mitigations to logging over “debris-flow prone type N streams”. However, no debris-flow prone type N streams were identified in any of the 16 timber sales. Did the AOPs fail to identify these stream types?

Thirteen proposed sales would clearcut in High Landslide Hazard Locations (HLHL), and eleven of those are likely to deliver landslides into fishbearing streams. This will have a greater negative effect on the aquatic system than the ODF is considering. The ODF only considers the few pieces of large wood from retention trees that could slide into the streams and fails to consider the excessive amount of fine material that harm salmon spawning habitat.

In response to our landslide comments last year, the ODF spent several pages documenting how large wood is good for streams, but neglected to mention the fine sediment harmful to fish. Excessive sediment is the issue that needs to be addressed.

The Lower Deer timber sale is within 100 feet of Deer Creek, and there are areas of HLHL above Deer Creek. “Delivery of material is likely in this case to the fish bearing reach, where deposition will occur.”⁴⁹ The AOP never considered the fine particles from landslides that harm fish spawning habitat in Fish Creek. South Kelly Ridge sale is also “likely to delivery to Type F Fish Creek”⁵⁰. Fish Creek has had a lot of money put into for restoration. It doesn’t make sense to clearcut where a high landslide hazard location is likely to deposit fine sediment into Fish Creek, negating the restoration efforts.

The Marlow Bottom timber sale is within 100 feet of Marlow Creek, a salmon stream. Most of the unit is a high landslide hazard location and the landslide is “capable of delivering a channelized debris flow to Type F Marlow Creeks.”⁵¹ The Panther Bowl timber sale is a high landslide hazard location that a debris flow is likely to contribute fine sediments to Panther Creek.⁵² Sullivan Daggett Divide “is likely” to deposit fine sediment from a landslide “at the confluence of the tributaries with the mainstem of type F Sullivan Creek” and “delivering a channelized debris flow in the type F West Fork Millicoma tributary”.⁵³

The Millicoma Lookout is right on the West Forest Millicoma River, and immediately adjacent to a designated recreation use and scenic production area. Yet, its high landslide hazard location has a moderate “probability of direct debris flow delivery of material into West Fork Millicoma”. The Elkhorn Ranch sale is also right on the Millicoma River and right across from a popular campground. It is “likely to deliver a potential (open-slope) debris flow to the WF” and “may be capable of delivering material through the RMA into

⁴⁹ Lower Deer AOP Page 5.

⁵⁰ South Kelly Ridge AOP page 5.

⁵¹ Marlow Creek AOP page 6.

⁵² Panther Bowl AOP page 5.

⁵³ Sullivan Daggett Divide AOP page 5.

the WF”.⁵⁴ These sales will not only harm fish, but also recreation.

Seven of the 2009 proposed sales line the West Fork Millicoma River, with only a 100’ buffer. Many of these are in recreation areas and scenic areas. Just west of the Millicoma Cougar timber sale the Millicoma River has badly eroded and incised banks. Clearcutting so as much as the 2009 sale program calls for within 100’ of the Millicoma River will likely worsen this erosion problem.

Not only is the 2009 program particular hard on the aquatic system of the Millicoma River, it is hard on the people who recreate there, the terrestrial wildlife who depend on this riparian zone, and birds, such as murrelets, who use the waterways for flight and food.

Two sales, Millicoma Between and Stulls Ridge, even build roads and clearcut right up to the very edge of areas that are classified as “public safety deferred”. This is cutting it pretty close. If the ODF miscalculates where that boundary is, a landslide could harm people living in the area. In the Stulls Ridge sale, the AOP documents the extreme landslide potential right above the “public safety deferred”.

As for water that people and fish need to survive, the ODF is giving fish twice the protection buffer as people. Fish streams get 100’ buffers, and Domestic Water Use streams get only a 50 foot buffer.⁵⁵ The ODF should explain why people can’t get as much protection as fish.

There is a monitoring component in the FMP for “Water Quality” that requires an annual summary of “Landslide survey by source (roads, operation units, undisturbed areas).”⁵⁶ Please send us those monitoring reports. It is important for the ODF to do an annual survey of new landslides (we document some new slides below in section 12, Roads). When we asked for these reports last year we were told they would be incorporated in future plans, or were incorporated in the 2003 watershed assessment.⁵⁷ Those are not “annual summaries”, as required by the FMP. Please make the ANNUAL summaries public information. “.resource monitoring will be done by Coos District personnel and **results will be summarized annually**”.⁵⁸

10. Unsold Sales and making up past targets.

As described in section 11 below, annual timber targets since 2001 were based on the existence of a Marbled Murrelet HCP. However, these predictable targets have been difficult to meet, not only because of the difficulty of finding murrelet-free stands, but also because of the difficulty of selling sales in poor market conditions.

⁵⁴ Elkhorn Ranch AOP page 6

⁵⁵ Stulls Ridge AOP page 4.

⁵⁶ Elliott State Forest Management Plan. 1993. IX-5.

⁵⁷ Response to our 2008 comments. Page 28.

⁵⁸ 1993 Elliott Forest Management Plan. Page IX-2

In 2007, over 270 acres of offered clearcut sales have gone no-bid, making a total of 365 no-bid sales since 2005⁵⁹. The ODF failed to explain this phenomenon, even though no-bid sales profoundly affect the State's ability to meet budgets dependent on a predictable supply of receipts from common school fund lands. But instead of discussing this problem, the ODF just continues to offer even more timber sales.

The ODF should explain why they continue to sell timber in this market, and how much the state is losing if ODF reduces the price of timber so it can sell. The timber target for the Coos District this year is higher than any other year, up to 993 clear cut acres⁶⁰. It is unwise for the ODF to double the usual target of 510 clearcut acres in a time of terrible timber prices. Other timber owners are waiting for the timber prices to go back up before they sell. Why is the state of Oregon wasting our valuable natural resources by giving timber away in a time of low timber values?

11. Annual Harvest Targets are too high

The annual AOP target, designated when both the owl and murrelet had ITPs, is 510 acres. However, the 2009 AOP target is up to 804 acres.⁶¹ (The 2009 AOP object is actually up to 993 acres, but 189 acres are the *Tyee's Purdyfall* sale, which is not on the Elliott). The ODF doesn't explain why there is a large 2009 target range from 517 to 804 (707-993 minus the 189 acres of Tyee's Purdyfall).

For years the AOP targets have been higher than the ITP targets. Every year, the ODF says this is to make up for a shortfall in previous years. "The primary reason for the shortfall was the discovery of a large number of stands occupied by murrelets"⁶². Since the Incidental Take Permit (ITP) for murrelets expired in 2001, each proposed sale needs to be surveyed for nesting murrelets. Not surprisingly, murrelets are found in many sales because the Elliott is a coastal forest with now-rare blocks of old forests, surrounded by young, private land, plantations. Basically, the murrelets have no place else to go.

It is wrong for the ODF to try to make up this lost volume. The Habitat Conservation Plan assumed the annual volume would be reduced when the marbled murrelet HCP/ITP expired in October 2001. The annual targets the ODF is trying to meet were made assuming the incidental take permit (ITP) for murrelets continued, which it did not.

The EA for the HCP says for decades 2 through 10: "**Annual Timber Harvest Volume... Assumes an ITP is obtained for... marbled murrelet habitat beyond 2001.**"⁶³ Since this didn't happen, it is hard to keep up with the targets. The 2008 AOP summary documents how the district fell behind since 2002.

This assumption in the EA, incorporated into the HCP, means the ODF has no right to be

⁵⁹ 2009 AOP summary. Page 5.

⁶⁰ 2009 AOP summary page 4.

⁶¹ The 2009 AOP summary, page 4

⁶² Coos 2008 AOP Summary. 1/17/07. Page 4.

⁶³ ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

playing “catch-up” to a harvest target that will be impossible to meet without an ITP.

The ODF responded to these comments last year by admitting the EA does assume that a murrelet HCP will be obtained after October 2001. However, ODF says, “the HCP and Incidental Take Permit make it very clear that this [the EA] is not a legal requirement...”⁶⁴ We disagree.

EA Assumptions Are a Part of the HCP and ITP, and thus a legal requirement.

The Biological Opinion for the HCP says that it “**is based on information provided in the... Environmental Assessment (EA) (USDI 1995), for the proposed action.**”⁶⁵ That is the same EA that set the annual timber harvest goals (that the ODF is using today) based on the assumption an ITP for murrelets is extended beyond 2001.⁶⁶ Clearly, it is not appropriate to use those harvest goals if that assumption is wrong.

The HCP also clearly embraces the assumptions and findings of the EA. “The habitat conservation plan is accompanied by an Environmental Assessment (EA). The EA informs the public about the environmental analysis done in developing the HCP and applying for the incidental take permit. It describes alternative methods for managing northern spotted owls, marbled murrelets, and their habitat, on the Elliott State Forest. It also describes what the environmental effects of each alternative would be. The preferred alternative is the basis for the habitat conservation plan. **The EA will be used by the USFWS to determine if issuance of the incidental take permit** would result in significant effects to the human environment.”⁶⁷

The agreement between the USFWS and the ODF is based on the HCP, the Incidental Take Permit and the Biological Opinion, all of which are based on information and alternatives considered in the EA. The EAs chosen alternative bases the annual timber harvest goals on the assumption that an ITP is obtained for murrelets beyond 2001.⁶⁸

Since the ODF doesn’t have an ITP for marbled murrelets, the surveys that have been done instead have justifiability caused a problem in meeting a predictable target harvest volume.

The ITP, the BO, and the HCP are the agreement with the federal services. Those documents embrace the documentation and assumptions of the EA, which bases the harvest goals after 2001 on the assumption the ITP continues and individual sale surveys would not have to be done. The HCP reinforces its reliance on the EA assumptions when it says: “The EA has detailed information on the effects of the alternatives, including the amount of potential incidental take of owls and murrelets. Alternative A is the preferred

⁶⁴ Response to 2008 AOP comments. Page 22.

⁶⁵ Biological Opinion on the Proposed Issuance of an Incidental Take Permit for Northern Spotted Owls and Marbled Murrelets to the Oregon Department of Forestry on the Elliott State Forest, coos and Douglas Counties, Oregon. USDI Fish and Wildlife Service, Oregon State Office. October 2, 1995.

⁶⁶ ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

⁶⁷ Elliott HCP. 1995. Page I-1

⁶⁸ ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

alternative, and the basis for the conservation strategy.”⁶⁹ “The Habitat Conservation Plan for the Elliott State Forest, which must be prepared for an incidental take permit, will be supported by a NEPA-required environmental assessment.”⁷⁰

Since the HCP embraces the information in the EA, and the EA target volumes post 2001 are based on the assumptions that a murrelet ITP would continue, clearly **the harvest targets since 2001 has been too high**. Instead of playing catch-up, the ODF should drop all sales in murrelet habitat to replace the excess target volume harvested the last 5 years. In FY 2005 the so-called harvest target was exceeded by 151 acres. In FY 2006 it was exceeded by 15 acres, and could be exceeded by 23 acres in FY 2007⁷¹, and by 66 acres in 2006 and by about 20 acres in 2009. This is over 300 acres of over cutting. This could be made up by dropping all proposed sales in 2009 that are over 100 years old.

Playing “catch-up” means having to log more than has been determined as sustainable for protecting endangered species. Playing catch-up means that the rules have to be bent to log sales like all of the 2009 sales that fragment mature forests, because there is no place else to log. Playing “catch-up” means you have so many timber sales no one wants them and they go unsold.

The ODF is illegally trying to meet a target that was set for a murrelet ITP. “Annual Timber Harvest Volume... Assumes an ITP is obtained for... marbled murrelet habitat beyond 2001.”⁷² This assumption means the target should have been changed in 2001.

Without an ITP, harvest levels are unpredictable.

The ODF is not justified in trying to meet an inappropriate target. The HCP says: “Alternatives A-D all assume that an Incidental Take Permit would be issued by USFWS. Management activities such as harvesting would therefore occur at *predictable* times and places.”⁷³ When the murrelet ITP was lost, so was the predictability. You will never know when a mature stand, in a forest just a few miles from the Pacific Ocean, will shelter a nesting marbled murrelet. The ODF does not have an ITP so there can be no firm target volume or predictability.

The ODF responds: “When the murrelet HCP terminated our annual clearcut harvest acreage remained the same because it is set by the owl HCP/ITP.”⁷⁴ No it was not. The annual clearcut harvest acreage was set by the owl and murrelet combination HCP/ITP.

The ODF has no authority to meet an arbitrary target volume for 2002 through 2009. The ODF has used an incorrect assumption to over-harvest since 2002, trying to meet an unattainable and illegal target volume. The “Annual Timber Harvest Volume... assumes an ITP is obtained for... marbled murrelet habitat beyond 2001.”⁷⁵ Since this is not the

⁶⁹ Elliott HCP page III-11

⁷⁰ Elliott HCP page J-10

⁷¹ Coos 2008 AOP Summary. 1-17-07 page 4.

⁷² ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

⁷³ Elliott HCP page III-23.

⁷⁴ 2008 AOP Response page 23.

⁷⁵ ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

case, the ODF has no volume to catch up.

12. Roads

The district is proposing to build at least 2.5 miles of new roads for the FY 2009 timber sales⁷⁶, with more potential roads during sale planning. For a forest that already has an average of 6 miles of roads for every square mile, 2.5 more miles is a lot, especially considering the landslides that historically come from the roads on the Elliott. The 2009 AOP summary defends the high-occurrence of road related landslides by saying the roads will have an office review by an ODF geotech specialist, and “the geotech will make site-specific road and engineering recommendations for practices to achieve resource and economic goals for the forest...”⁷⁷ Has the geotech specialist ever recommended to not build a road to prevent a landslide? If the numbers of road-related landslides, even from new roads, has never been reduced by a “geotech specialist”, what is the purpose of the office review?

This year we saw new or worsened landslides or debris flows on the 1000 road going into the Elliott, on the 9300 road north of 9360, and off of the 2000 road (see attachment 1 for pictures). The debris flow seen off the 2000 road could have been from Area III of the Trout Head timber sale. We had a good view of it walking into the Stulls Ridge timber sale on the 2175 road.

The road that goes into area 3 of the Millicoma Lookout timber sale was completely washed out into a tributary of the Millicoma River. This road was built to clearcut next to Millicoma Lookout, and likely dumped tons of sediment into fish habitat in the Millicoma River. It is unwise to rebuild this road considering Millicoma Lookout has the same HLHL designation.

While sidecast from older roads contribute to landslides, clearcutting steep, HLHL slopes beneath roads are a large contributing factor. It appears from the AOPs (quoted in Stream section 10 above) that landslides are expected and tolerated to meet the economic goals. These economic and timber target goals should be reduced so that this abuse of the land is not perpetrated.

Roads not only degrade the landscape by facilitating landslides, they also have the potential to take many acres out of forest habitat and timber production. For instance, the 8820 road along the north-east side of Panther Bowl has a fork of a new road that was built few years ago into the Top Panther timber sale. These two roads are parallel so close that no productive habitat or timber can grow between the roads, effectively tripling the degrading effects. There is also a pile of what used to be good timber decked near this fork. This wasted resource was piled here and never used. Also, the new road that was built into Top Panther is not drawn on the Panther Bowl map, which gives the illusion

⁷⁶ 2009 AOP summary. Page 10.

⁷⁷ Coos 2009 AOP summary. Page 11.

that there are less road impacts then there really area. Actually, most of the northern border of Panther Bowls is just one big huge road.

Road Construction and non-native vegetation: Last year we expressed concerned that the use of non-native grasses could become a permanent feature on the Elliott, spread into the forest ecosystems and displace native vegetation. The ODF responded that ODF shares this concern “and will be investigating the source of native grass seed”⁷⁸. Did you? Are you using native seed for 2009? If not, what are the impacts of the non-native seed you are using?

Elkhorn Ranch timber sale: There is a ford across the West Fork Millicoma River from the 8100 road into the Elkhorn Ranch timber sale. The AOP did not describe if this ford would be used, or recreational ATVs would be allowed to use this ford into the sale area after logging. This ford should not be used, and should be closed so off-highway-vehicles will not add sediment into the river by crossing here.

ATVs: The AOP summary says unsurfaced roads “will be closed to traffic, with the exception of ATV’s”⁷⁹. This doesn’t make sense. ATVs are more damaging to watershed values than any other vehicles. ATV’s have had a significant detrimental impact on soils and water, including soil erosion and compaction, excessive trash, wildlife harassment etc. While traveling through the Elliott, one can see many old roads and trails opened by recreational ATV use. ATV users made a trail that goes right through the mouth of Trout Creek at its confluence with the West Fork Millicoma River. They also go, unregulated, into the Millicoma River north of road 2300. The Elk Ranch camp has been made a muddy mess by ATV plan (see pictures in attachment 1). The ODF allows ATV use anywhere, anytime, on the Elliott, and the use is growing.

Another problem with closing unsurfaced roads is that it doesn’t always happen. For instance, the unsurfaced spur into the Sullivan Ridge timber sale was never closed, and now it is running mud downhill onto the 3170 road. This sale was finished years ago, yet the unsurfaced spurs remain open to all vehicles, and campers. There are piles of trash at the end of the spur into Sullivan Ridge (pictures of the computer and monitor dump are in attachment 1).

As for the recreation management summary of the AOP, the ODF missed naming motorized recreation. Instead, the ODF claims that “The recreation that does occur is mostly confined to hunting, fishing camping, and picnicking.”⁸⁰ The ODF should begin to acknowledge and include motorized recreation (such as ATVs and other recreational driving). These identical problems and comments from the 2008 AOP comments went unanswered by ODF. Could you please respond on with your strategy and control of ATV recreation and degradation.

⁷⁸ Response to 2008 comments. Page 25.

⁷⁹ 2009 AOP summary. Page 12.

⁸⁰ 2009 AOP summary. Page 15.

13. Management Basins:

Deer Headwaters: The AOP for Deer Headwaters says it is in Management Basins 2, 3, 13. That would be management basins that have rotation ages of 240, 200, and 80 years, respectively. Basin 2 must maintain 66% of the basin in age classes over 80 years⁸¹. However, the AOP says that 66% must be maintained in “dispersal” habitat.⁸² Which is right, the AOP or the HCP?

Under section VIII of Deer Headwaters AOP, there is an attempt to document compliance with management basins 2 and 13, but not with basin 3. Even though a small portion of the sale is in basin 3, it is in basin 3. Either clearcutting in this long-rotation basin is justified in the AOP, or this part of the sale should be eliminated. Basin 3 must have 60% of the basin in 80+ age classes⁸³. In 1995, only 50% of the basin was over 80 years, therefore, you cannot cut anymore, or be in violation of the HCP.

While we were developing these comments, we asked for justification for clearcutting in the long-rotation basins, especially basin 2, the 240 rotation basin where approximately 10 acres will be clearcut. The AOP should have provided a justification for clearcutting here. However, we were told to ask these questions in our comments. In the future, the Coos District should be more forthcoming with this type of information in the Operations Plan. By the time you respond to these comments, the chain saws are warming up. In any case, you cannot clearcut mature forests in management basins 2 and 3.

Management Basin 14: The Panther Bowl sale is in Basin 14, which has a requirement to retain 40% (2003 acres) in spotted owl nesting habitat. The AOP says that after clearcutting Panther Bowl, there will be 2140 acres of nesting habitat left. But the South Kelly Ridge and Millicoma Cougar AOPs say the same thing, there will be 2140 acres of nesting habitat left in basin 14 after these sales are clearcut.

The ODF failed to explain how they can clearcut 258 acres and still retain 2140 acres of mature habitat. The missing piece of the equation is how many acres of nesting habitat Basin 14 currently has. Is it 2,398? (2140 + 258)? In 1995, Basin 14 had 3019 acres of mature habitat. Has the ODF clearcut 880 acres in this management basin since 1995?

The AOPs claim that 29% of the basin is in reserves, but the AOP failed to document whether the entire 29% of the reserves is in mature forests, or how much is in recovering clearcuts.

The AOPs for sales in Basin 14 claim that enough dispersal habitat will be retained after 113 acres grow in 2009. The ODF cannot rely on future growth to cut sales now. The acres have to have a forester certify that the acres have attained dispersal habitat as defined in the HCP. The ODF cannot cut forests now on the hope other parts of the basin will reach dispersal habitat next year.

⁸¹ 1995 Elliott HCP. page IV-8.

⁸² Deer Headwaters AOP page 4.

⁸³ 1995 HCP page IV-8.

Management basin 10: Three sales are proposed for clearcutting approval in management basin 10: Millicoma Between, Marlow Bottom, and Young Marlow.

The HCP requires that 17% of this basin be over 80 years old. In 1995, only 16% of the basin was over 80 years old⁸⁴. You cannot clearcut here, especially forests over 80 years old like Millicoma Between and Marlow Bottom, until you have some monitoring data that shows a larger percentage of the basin has turned 80 years old and the ingrowth is nesting habitat. Recent sales in Basin 10, like Locked Marlow and East Fork Millicoma, would have clearcut any gains in ingrowth.

If the ODF claims that 17% of the basin is in reserves, the ODF should document that the reserves are actually over 80 years old and not recovering clearcuts.

14. Swiss Needle Cast

We spotted several hillsides of yellowing tree plantations. It appears that the incidence of SNC is increasing on the Elliott. As SNC increases, the assumptions about timber regrowth and future volumes available become more inaccurate. It is important for the ODF to monitor this situation, as required by the HCP and FMP, and to make the monitoring information public. The AOP Summary states that the ODF has established test plots for SNC around the Elliott State Forest.⁸⁵ The ongoing results of these plots should be reviewed in the AOPs, or in some other way disclosed to the public.

15. Climate Change

The ODF must protect all mature forests on the Elliott State Forest for carbon storage and climate mitigation and to help them meet fiduciary responsibilities. See Heiken, D., 2007. "The Straight Facts on Forests, Carbon, and Global Warming," a special report from Oregon Wild.⁸⁶

The ODF failed to consider global climate change and the impacts of climate change on forests and the possible role of forests in storing carbon to ameliorate climate change in the 2009 AOPs. This new information on Climate Change was not considered in the 1995 Elliott Habitat Conservation Plan, so it should now be considered in the individual pre-operation reports, as well as in the new proposed HCP. Since reconsultation has to be done on the barred owl situation anyway (see section 1 above), it can be done on the new information on climate change at the same time.

Retaining older forests and conserving biodiversity are two important things we must do to mitigate and adapt to climate change, but the 2009 AOP does just the opposite. Older

⁸⁴ 2005 Elliott HCP. Page IV-8

⁸⁵ 2009 AOP summary page 18.

⁸⁶ <http://tinyurl.com/2n96m5>

forests on the Elliott have significant ecological inertia and are relatively well suited to resist climate change, and these are the forests the ODF is proposing to clearcut.

Older forests harbor a higher diversity of species that could help the ecosystems of the future adapt to climate change. Stand level species diversity and recruitment of diverse species into aging stands helps forests maintain a more favorable ratio of photosynthesis to respiration (i.e. the stand-scale ratio of leaf area to sapwood) as they mature. Biodiversity also represents the complete library of possible ecosystem adaptations to climate change, so biodiversity enhances future “degrees of freedom” for responding to climate change.

When we raised this issue last year, the ODF responded: “ODF addresses this issue by maintaining state forest in forest uses, consistent with the 2003 Forestry Program for Oregon.”⁸⁷ The ODF missed the point entirely. We are talking about *older* forest effects on climate change, not recently clearcut forests that are consistent with the 2003 Forestry Program for Oregon.

Older forests sequester significant amounts of carbon and help keep it out of the atmosphere. Increased logging of these older forests will (a) replace high-inertia forests with young trees that are far more vulnerable to climate stress, (b) release massive amounts of stored carbon into the atmosphere from forest soils, from sawdust in the forest and at the mill, from slash disposal, from warmer microclimate that accelerates rates of respiration and decomposition, and from wood products that are short-lived compared to the carbon stored in both live and dead trees in old forests, and (c) logging older forest reduces biodiversity which reduces the ability of the forest to store carbon and hinders the forest's ability to respond to climate change. The ODF must account for these issues.

Conclusion

Thank you for the opportunity to comment on the Elliott 2009 AOPs. We appreciate the ease of downloading the information from your web site and emailing our comments into you. We also appreciate that many of our questions on this year's plans were answered quickly and clearly by Norma Kline and others at the Coos District office.

We look forward to further dialogue about the issues we have raised in these comments.

⁸⁷ Response to 2008 comments. Page 27.

Public Comment Responses to the 2009 Elliott State Forest Annual Operations Plan

ODF's responses are organized according to the 15 sections of comments submitted by Umpqua Watersheds, Inc, et. al. The public comments are paraphrased to provide context for ODF responses.

1. Spotted Owl

Comment - Your comments concerning spotted owl indicate that the presence of the barred owl in the Elliott State Forest has changed the nature of the Habitat Conservation Plan and Incidental Take Permit agreements due to the displacement of northern spotted owls by barred owls. You comment that the mature stands on the Elliott no longer provide habitat for the northern spotted owl since some barred owls are now present on the forest. You indicate that ODF is required to do timely monitoring and surveys to assess this situation, and that the results of these surveys should be used to modify and adapt the HCP and ITP.

Response - ODF has been in the process of a Forest Management Plan (FMP) and Habitat Conservation Plan (HCP) revision since 2000. This process uses the most current information and available science including research and density studies done on the Elliott. We expect this process to conclude in late 2009. In the meantime, the 1995 HCP remains in effect. ODF is in full compliance with that agreement's requirements to provide a certain level of northern spotted owl nesting, roosting and foraging habitat. ODF cannot reply further to your comments in this section, as they raise issues that are subject to litigation.

2. Marbled Murrelets

Comment - Your comments concerning marbled murrelets indicate that ODF is not complying with our marbled murrelet survey protocol specifically in regards to the 2008 Panther Headwaters and 2009 Panther Bowl timber sales. You also indicate that the Panther Bench MMMA is too small and would be considered an isolated fragment, and that the trees in the Panther Headwaters No.3 sale are better quality than the trees located in the MMMA.

Additionally you request the murrelet survey information for Panther Headwaters and Panther Bowl timber sales and would like modified AOP's of these sales posted on the web.

Response - The confusion regarding these two sales arose in the Panther Headwaters No. 3 presale report (2008 AOP) where we stated that "The sale area was surveyed according to protocol standards during the 2006 survey season and will receive second year surveys in 2007 with a portion receiving surveys again in 2008." This language was mistakenly inserted in the Panther Headwaters No. 3 document. In reality the entire sale received second year surveys in 2007 and was cleared. The

Panther Bowl sale, a 2009 AOP sale, does need surveys again in 2008 to meet protocol standards. This is correctly documented in the pre-sale document. These two sales were at one time two units in one sale, they were split out when a significant detection caused the creation of the Panther Bench MMMA, requiring the reformation of survey sites and continued surveys for the Panther Bowl unit.

The Panther Bench MMMA was created because protocol surveys detected significant marbled murrelet behavior. The data was analyzed and MMMA designated during the annual MMMA meeting with the staff wildlife biologist for State Forests, southern Oregon wildlife biologist, and district staff. The Panther Bench MMMA was designated to best protect the habitat indicated by the protocol survey data and the location and size was determined appropriate for protection.

The Panther Headwaters No.3 sale did not have significant detections associated with it, and was thus cleared for sale. Data requests for threatened and endangered species data may be submitted directly to the Salem state lands staff biological specialist. The biologist specialist determines what types of data may be released to the public.

The typo in the Panther Headwaters No. 3 sale regarding the surveys does not warrant a major modification posting on our website. As per state forests policy, the district forwarded the Biological Survey Report for Panther Headwaters No. 3 indicating the compliance of survey protocol to Salem with the timber sale contract.

3. Fragmentation

Comment - Your comment concerning fragmentation indicates that five out of seven of the proposed 2009 sales fragments continuous stands of old forests and that this violates the HCP standards and "...illegally decimates mature forest habitat..".

Response - The Elliott HCP (page IV-41) gives direction on timber sale planning in regards to fragmentation" "Harvest scheduling will defer stands that meet the following criteria as long as suitable substitute areas are available, stands with spotted owl occupancy: stands in the 100 year age class or older that meet medium to high quality habitat standards for marbled murrelet nesting habitat; stands closest to high quality marbled murrelet potential nesting habitat, northern spotted owl activity centers, and HCA's." The district is following this protocol and documenting that we are now cutting stands that either fragment habitat and/or are located adjacent to MMMA's and HCA's. In each case we carefully document the nature of the fragmentation and the fact that these areas were chosen because no other areas were available for harvest. Mature stands outside of designated reserves are intended for harvest in the HCP.

4. Old Growth Retention

Comment - Your comment concerning old growth trees indicates that the 2009 AOP promises to protect all remnant old growth trees in the logging units and that we made the same promise in 2008 and did not fulfill it. You give Panther Headwaters (2008 AOP) as a specific example of ODF failing to protect old growth trees. You would like to see ODF use a transparent process for determining the age of trees.

Response - Page 6 of the 2008 AOP states that “ Reserving remnant old-growth trees, trees originating prior to the year 1830 is a district policy, Care is taken to walk through the units and mark the residual old-growth as green tree retention. The only exception to this policy is if an old-growth tree is located where it impedes operability and causes a hazardous situation.”

The draft January 2006 Elliott FMP defines old growth on page 4-23 and addresses old growth conifer stands which have been identified as a unique habitat type of conservation areas, (page 5-16). Individual old growth trees would fall under the more general guidelines for live tree retention (page 5-21).

In terms of your concerns regarding the Panther Headwaters No. 3 sale: During the sale preparation process, trees within the sale boundary were examined for old growth characteristics. The sale preparation forester worked on the ground with the Southern Oregon Wildlife Biologist examining trees for old growth characteristics. They marked those trees that exhibited old growth characteristics as reserve trees. As a result we retained 38 trees to the east of the 8800 road. The remaining required wildlife trees were located on the edges of the unit. Two trees, showing old growth characteristics and located near a proposed landing, were not reserved because the landing location made it operationally unfeasible to retain them.

The other sales in the 2009 AOP you mentioned as containing old growth will be evaluated on the ground during sale layout to identify trees with old growth characteristics. ODF’s process for determining which trees are considered old growth includes on-the-ground evaluation by foresters and ODF’s wildlife biologist. Trees that have valuable wildlife habitat characteristics such as large diameters, large limbs, and in some cases defects such as broken tops are normally marked for retention, as long as it is operationally feasible to do so.

5. Scenic Conservancy Lands

Comment - Your comment concerning Scenic Conservancy Lands indicates that ODF is in violation of the HCP because we are proposing timber sales next to Scenic Conservancy Lands and within Scenic production and recreation use areas. Specifically you mention the South Kelly Ridge, Millicoma Lookout, Elkhorn Ranch and the Millicoma Cougar timber sales.

Response - Your comment refers to two different types of land classifications: Scenic Conservancy and Scenic Production. Page II-58 of the 1993 ESF Management Plan states that “Scenic production lands are suited for timber production, but need harvest modifications to protect or enhance scenic values.” Sales that contain scenic production lands will be assessed during sale layout to determine the locations of retention trees, Visual impacts will be considered when designing the location of green leave trees within the sale area boundary. The Coos district is not proposing to harvest timber in Scenic Conservancy lands. Areas classified as forest parks are not included in timber sales. There are no restrictions to operating adjacent to these areas.

6. Roosevelt Elk

Comment - Your comment concerning Roosevelt elk indicates that the Elliott has the best Roosevelt elk hunting on public forests in Oregon and that ODF is clear cutting the very best elk cover habitat next to hunting campgrounds. You also say that the ODF fails to consider the ODFW’s recommendations for elk which emphasizes the protection of cover for both thermal and hiding properties.

Response - ODFW is an active participant in our AOP process. The elk populations on the Elliott are considered excellent. Clearcuts are considered important elk habitat. ODFW has no concern that our sale plan will adversely affect the elk population on the Elliott.

7. Recreation and Trash

Comment - Your comment concerning recreation and trash in the Elliott states that ODF has spent \$80,000 from 1993 to 2009 and has little to show for it other than a damaged horse camp and a variety of garbage sites. You would like to see an accounting for the \$80,000 spent and a plan for the 2009 AOP budget including waste control and stream bank protection.

Response - Dollars budgeted for an activity and dollars spent are not always the same in the Coos District budget, thus your estimate of \$80,000 may not be accurate. The largest expenditure specifically for a recreation site was for the partial development of the Horsecamp at Elkhorn Ranch. It is estimated that a little more than \$10,000 was spent developing the individual camp sites using our road maintenance contractor. Other work was done by former cooperators on the project - the Coos Back Country Horsemen. Since the Horsemen group lost interest in the site and are not using it, some of the improvements (picnic tables) have been vandalized.

On roughly a biennial basis the lower end of the 8100 road is maintained. This is estimated to cost about \$1700 every other year, so over the period from 1993 and 2007 roughly \$12,500 would have been spent. We did haul logs on this road during two of

the last 15 years, but during years with no hauling the traffic was predominantly recreational.

During summer of 2007 about \$2000-\$2500 was spent on the recreation site next to the first bridge upstream from the 8100/8000 intersection. Danger trees were felled, drainage was improved, and some road rock was used to accommodate wet weather camping at this spot. About five years ago some road maintenance and danger tree felling was done to the camping spot just up river about ¼ mile from the 7400/8000 intersection. Also in recent years road maintenance was done at the Gould's Flat's camping site which is located between the 9000 and Elk Creek. The access road to this site is rocked and we added some maintenance rock and improved drainage. Other recreation related maintenance has been done at the 4000 road waterhole (Benson Ridge) and at the Henry's Falls access road. Money has also been expended over the years hauling away abandoned trailers, cars, and having inmate crews pick up trash.

Removal of known significant accumulations of trash will be scheduled for summer 2008.

8. Tye Purdyfoll Sale

Comment - Your comment concerning the Tye Purdyfoll sale indicates that the timber sale is not covered by an existing FMP or HCP and that our proposal to manage it consistent with the 2006 draft FMP and a 2005 draft implementation plan is not possible because it is not approved. You also specifically ask if the Tye Purdyfoll sale has Port-Orford cedar.

In addition, you point out that Area 4 contains 10 acres classified as protective conservancy damageable, and that Area 4 should be dropped because it is immediately across the Umpqua River from the James Wood County boat launch and has a new road location right to the tip of the protective conservancy land.

Response - The Scattered Tracts basin is under a long-range plan approved in 1987. However, ODF believes that managing these tracts using the strategies and standards contained in the draft 2006 FMP will provide the best overall results for all forest resources on the scattered tracts.

The district is not proposing to harvest areas designated as protective conservancy damageable, roads will be located based on best management practices and public safety. Current inventories have not recorded Port-Orford cedar in these areas.

9. Streams and Landslides

Comment - Your comment concerning streams and landslides points out that although the 2009 AOP plan summary describes several mitigations to logging over debris-flow prone type N streams, (a) we don't mention debris-flow prone type N streams in any of the 16 timber sales. You also indicate that although ODF describes how large wood is good for streams, (b) it does not address the issues of fine sediment. You also mention that the Millicoma Between and the Stulls Ridge timber sales (c) build roads to the edges of public safety deferral areas.

In addition you would like an explanation of why Fish streams get 100 foot buffers and (d) Domestic water sources get 50 foot buffers.

And finally, you would like us to send you the monitoring reports indicated in the FMP that requires an (e) annual summary of landslide survey by source.

Response:

(a) Section IX. Slope Stability and Geotechnical Issues in each presale report discuss whether the channels associated with the channel are debris-flow prone.

(b) The Elliott State Forest is in the Tye Core Area, an area geologically prone to shallow, rapidly-moving landslides. ODF's approach when harvesting in these areas is to use logging practices that minimize ground disturbance and to leave trees in the debris torrent prone channels to mimic wood movement to streams and reduce the likelihood of effects continuing down fish bearing streams.

(c) Road location on all sales will be based on site specific topography and field work using modern engineering techniques carried out by professional forest engineers. Geotech input will be incorporated as needed to insure the best road location.

(d) The domestic streams are protected according to OAR 629-635.0130.

(e) ODF collected landslide information for a number of years but since about 1996 we have not been formally documenting such information. When storm events occur, our foresters and road engineers conduct informal surveys to determine whether road repairs are needed to prevent further slide activity. With ODF's 1996 study of landslides on the Elliott and other areas in the northern part of the state, we believe the key question of whether clearcutting accelerates landslides was answered. The best information on landslides can be found in Chapter 6 of the 2003 Elliott State Forest Watershed Analysis, ODF's 1996 Landslide Study, and continued monitoring done by ODF's Private Forests Program. These documents can be found on ODF's website at <http://egov.oregon.gov/ODF>.

10. Unsold Sales and making up past targets

Comment - You would like ODF to explain why it is continuing to sell timber in a low market and how much the state is losing by doing this.

Response - ODF has a policy of supplying an even supply of timber to avoid the impacts that a fluctuating timber supply and its subsequent impacts would have on the community. The Department of State Lands Asset Management Plan direction for Common School Forest Lands is to maintain “a sustainable, even- flow harvest of timber”. Despite the poor market conditions, many Elliott timber sales have sold for amounts much higher than the state average, thus ensuring a revenue stream to the Common School Fund and to local counties. Though some younger sales are selling at a lower value than in the recent past, all sales continue to produce a positive net revenue.

11. Annual Harvest Targets are too high

Comment - Your comment is that the ODF is trying to meet an unattainable and illegal target volume based on an assumption that the volume target with and without an ITP for murrelets is the same. You comment that this is not possible because the Environmental Assessment target volumes assume that a murrelet ITP would continue.

Response - The Environmental Assessment does state that it assumes that a murrelet HCP will be obtained for the period after October 2001. However the HCP, and Incidental Take Permit are clear that this is not a requirement of the owl HCP. Under part 11 of the Incidental Take Permit (ITP), CONDITIONS AND AUTHORIZATIONS, part G clarifies which documents are contractual:

“G. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Habitat Conservation Plan (HCP) and Implementation Agreement (IA), executed by the permittee and the Service. The permit, HCP, and IA are binding upon the permittee, its officers, employees, agents, and contractors.”

Part 11E of the ITP clearly states the duration of the owl HCP and makes it clear that obtaining a murrelet ITP for the period after October 3, 2001 is not a requirement to keeping the owl HCP in force:

“E. The permittee, their employees, agents, and contractors, are authorized to incidentally take all northern spotted owls (*Strix occidentalis caurina*) associated with approximately 22,000 acres of suitable spotted owl habitat as a result of otherwise lawful timber harvest activities, as described in the permittee’s application and supporting documents, and as conditioned herein. This authorization expires on October 3, 2055.”

Nowhere in the HCP, IA, or ITP is it stated that keeping the owl HCP in force is contingent upon obtaining a murrelet ITP/HCP for the period after the termination of the murrelet ITP/HCP on October 3, 2001. The harvest levels in the current AOP and past AOP’s are in compliance with the 1995 owl ITP/HCP

12. Roads

Comment - Your comment concerning roads indicate that the district is proposing to build 2.5 miles of new roads for the FY 2009 timber sale and that this is too much since the forest already has an average of 6 miles of road for every square mile. You indicate that the new road construction is not appropriate because landslides historically are road related. Specifically you indicate that the risk of landslides from new road construction is the same as from old construction. "Has the geotech specialist ever recommended to not build a road to prevent a landslide? If the numbers of road-related landslides, even from new roads, has never been reduced by a "geotech specialist", what is the purpose of the the office review.

In addition you point out a number of examples of new or worsened landslides or debris flows.

Response - The southern Oregon geotechnical engineer assesses each sale in terms of public safety risk from shallow, rapidly moving landslides (debris flows). The engineering unit works directly with the geotechnical engineer to address road design and slope stability issues. Roads are located to avoid high landslide hazard locations whenever possible. If a high landslide hazard location must be crossed, design and construction techniques which minimize potential road-related slope stability hazards are utilized. These techniques involve full-bench road design and the end haul of excavated material to a stable location. Research shows that these techniques greatly reduce the occurrence of road-related debris flows. An initial map review is completed by the Southern Oregon Geotechnical Engineer to determine the location of the proposed unit and proposed roads in regards to geologic features, and to identify potential impacts to channels and fish-bearing streams. We state in the presale reports that "A closer examination will be made during the sale layout process to determine if other site protection measures will be necessary".

The majority of road-related slides you see are from a legacy of sidecast road construction that were built prior to the 1970's. Material was sidecast to the road edge and slopes below. Although our goal is to identify the presence of old sidecast that may fail and trigger a slide and remove it during new activity, these sites are not always easy to detect. ODF continues to work on removing unstable fills from old roads as they are identified.

The construction of two miles roads in this AOP is considered minimal. The road density of 6 miles/sq. mile stated in your comments is inaccurate. The actual density is 3.7 miles/sq. mile. In addition, Elliott roads are very narrow so that the area in non-forest condition and hydrologically altered is small.

Comment - You also address the issue of the use of non-native grass for soil stabilization and wildlife forage, and ask about the status of investigating the use of native grass.

Response - ODF has been investigating the source of native grass seed. So far we have not located an affordable source.

Comment - You have a specific comment concerning the ford at the Elkhorn Ranch timber sale and that it should not be used because of the risk of ATVs and sediment.

Response - The ford at the Elkhorn ranch is an existing concrete low-water crossing that will have its approaches rocked for 50 feet on each side to reduce the chance of sedimentation into the Westfork Millicoma River; this will minimize the risk of sediment from ATVs and other vehicles.

Comment - You would also like ODF to address the fact that ATV use is current concern, and you would like us to respond with a strategy and control of ATV recreation and degradation.

Response - Roads are currently blocked for truck traffic, but kept open to ATV access so ODF personnel can access the units with ATV's for reforestation and planning activities. On the Elliott, the majority of public ATV users are hunters. The Elliott has very few issues with off road ATV use because of the steepness of terrain. We agree that some areas have become more popular with non-regulated networks of ATV trails being developed and that the district needs to assess these areas and take protection measures and /or make repairs when appropriate. As areas needing attention are identified, the district will take action to correct significant problems.

13. Management Basins

Comment - You have a concern that ODF is not complying with the long rotation management basins, specifically in the case of Deer Headwaters timber sale concerning basins 2 and 3. management basins.

Response - In the presale report for the Deer Headwaters timber sale we stated that "Two acres of the timber sale are in basin 2 between the 7000 road and ridgetop on the southeast corner of the sale area. This area was included in the sale because of blow down concerns. Minor acreages of the timber sale fall within the mapped boundaries of management basin 3." Basin 2 has 49 acres of NRF habitat over the required minimum. Cutting two acres in Basin 2 is in compliance with the HCP requirement for NRF. The timber sale boundary next to Basin 3 will follow the ridge, which is the intended basin boundary. This is considered a Minor mapping correction.

Comment - You also comment that the nesting, roosting, foraging habitat accounting may not be correct because the Panther Bowl, South Kelly Ridge and Millicoma Cougar all say that there will be 2140 acres of nesting habitat left after harvesting.

Response - The Nesting Roosting Foraging (NRF) figure of 2140 assumes that Panther Bowl, South Kelly Ridge and Millicoma Cougar are all harvested in the 2009 plan. If all of the acres planned in all three units are harvested, there will be 2140 acres of NRF remaining after the 2009 sale plan. If only a subset of the sales or acres are harvested, there will be greater than 2140 acres remaining. Each year the accounting is updated to determine which sales were actually used and sold.

Comment - You also make a comment that for basin 14 ODF failed to document whether the 29% of the basin that is in reserves is in mature forests, and how much is in recovering clearcuts.

Response - It is possible that some reserve areas could have timber younger than 80 years old. However, NRF accounting is based on the original documented habitat in the 1993 HCP regardless of where the 80 year old timber is located. Each year a HCP monitoring report is prepared for the USFW accounting for depletions and/or in-growth of 80 year old timber. The long-term target for 80 year old timber in basin 14 is 40%. The 2007 HCP monitoring report documents that 46% of the basin is in 80 year old timber.

Comment - You also point out that ODF cannot count in-growth of dispersal habitat in 2009, and that foresters must certify that the acres have attained dispersal habitat as defined in the HCP before being able to count them.

Response - In-growth of dispersal habitat is determined by the 50-11-40 rule which means that 50 percent of a basin is in timber at least 11 inches diameter breast height, with 40% crown closure. The district's Stand Level Inventory program is used to determine when stands grow into dispersal habitat. Areas that are harvested are subtracted from dispersal habitat. The annual HCP monitoring report for 2007 documents that all basins exceed the 50% target and that the forest overall averages 63% dispersal habitat.

Comment - You also comment that in Basin 10 the HCP requires that 17% of this basin be over 80 years old and that in 1995 only 16% of the basin was 80 years old, and that unless our monitoring data shows additional in-growth we can not cut the proposed sales.

Response - In 2004, 498 acres of in-growth was added to this basin based on the district's inventory data. The annual HCP monitoring report for 2007 documents that 26% of the basin is in 80 year old timber.

14. Swiss Needle Cast

Comment - You have a concern that the incidence of SNC is increasing on the Elliott, and that our future volume availability is in question. You would like to see monitoring

information from our Swiss needle cast test plots and that the results of these should be reviewed in the AOP.

Response - Monitoring information can be found at the Swiss Needle Cast Cooperative website at:

<http://www.cof.orst.edu/coops/sncc/>

The west side of the Elliott State Forest is considered to have a moderate infection. Infection levels are determined by how many years of needles are retained. A moderately infected stand retains at least two years of needles and maintains sufficient growth and vigor to continue management until an appropriate economic harvest age. No changes to our management strategy have been recommended.

15. Climate Change

Comment - You state that ODF has failed to consider local climate change and the impacts of climate change on forests and the role of carbon storage.

Response - ODF addresses this issue by maintaining State Forests in forest uses, consistent with the 2003 Forestry Program for Oregon. The FPFO is the Board of Forestry's policy document. Strategy G in the FPFO calls for enhancing carbon storage in Oregon's forests by maintaining and increasing Oregon's forest land base and promoting urban forests.